

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Poplar Road, 330' NE of  
the c/l of Riverside Road  
(309 Poplar Road)  
15th Election District  
5th Councilmanic District

John P. Zapf, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-18-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 309 Poplar Road, located in the Essex area of southeastern Baltimore County. The Petition was filed by the owners of the property, John P. and JoAnn M. Zapf, and the Contract Purchaser, Steven D. Golden. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the plan submitted with the Petition filed and marked as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affida-

ORDER RECEIVED FOR FILING

Date

By

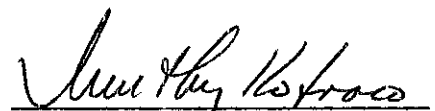
MICROFILMED

vits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17<sup>th</sup> day of August, 1994 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the proposed garage to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

TMK:bjs

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 17, 1994

Mr. & Mrs. John P. Zapf  
309 Poplar Road  
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Poplar Road, 330' NE of the c/l of Riverside Road  
(309 Poplar Road)  
15th Election District - 5th Councilmanic District  
John P. Zapf, et ux - Petitioners  
Case No. 95-18-A

Dear Mr. & Mrs. Zapf:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Steven D. Golden  
715 Grady Lane, Bel Air, Md. 21014

People's Counsel

File

RECORDED & INDEXED





# Petition for Administrative Variance

95-18-A

## to the Zoning Commissioner of Baltimore County

for the property located at 309 Poplar Road, Baltimore, MD 21221

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 To allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

BUILT-IN POOL IN BACKYARD  
FIRE PLACE ON SIDE OF HOUSE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Steven D. Golden

(Type or Print Name)

Signature

715 Grady Lane

Address

Bel Air, MD 21014

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

John Paul Zapf

(Type or Print Name)

Signature

Jo Ann Mary Zapf

(Type or Print Name)

Signature

309 Poplar Road (410) 391-7753

Address Phone No.

Baltimore MD 21221

City State Zipcode

Name, Address and phone number of representative to be contacted,

Steve Golden

Name

715 Grady Lane (410) 879-8556

Address Phone No.

Bel Air, MD 21014

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature] DATE: 7-20-94

ESTIMATED POSTING DATE: 7-31-94

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ITEM #: 18

ORDER RECEIVED FOR FILING  
8/17/94

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 309 Poplar Road  
address  
Baltimore MD 21221  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

BUILT-IN POOL IN BACK YARD  
FIRE PLACE ON SIDE OF HOUSE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John Paul Zapp  
(signature)  
John P Zapp  
(type or print name)



Joann M. Zapp  
(signature)  
Joann M Zapp  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of July, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John P Zapp & Joann M Zapp

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7-11-94  
date

Shirley D. Fuller  
NOTARY PUBLIC

My Commission Expires:

10-3-95

ZONING DESCRIPTION FOR

309 POPLAR Rd.

(address)

Election District

15

Councilmanic District

7

Beginning at a point on the South side of \_\_\_\_\_  
(north, south, east or west)

POPLAR RD which is 50'  
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 330' ± EAST of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street RIVERSIDE Rd.  
(name of street)

which is 50' wide. \*Being Lot # \_\_\_\_\_,  
(number of feet of right-of-way width)

Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of

BACKRIVER HIGHLANDS as recorded in Baltimore County Plat  
(name of subdivision)

Book # \_\_\_\_\_, Folio # \_\_\_\_\_, containing

14, 853 ± 314  
(square feet and acres)

\*If your property is not

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Townson, Maryland

95-18-1A

District 1508 Date of Posting 7/30/94

Posted for: Variance

Petitioner: John Paul & Jo Ann Mary Zapp

Location of property: 309 Poplar Rd, S/S

Location of Signs: Facing road way on property being zoned

Remarks: \_\_\_\_\_

Posted by M. Stealy Date of return: 8/5/94

Signature

Number of Signs: 1

STAMPED: 8/5/94



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

CRITICAL  
AREA

receipt

95-18-A

Account: R-001-6150

Item Number 18

Taken in by: *SD*

Date 7-20-94

Owner: John & Joann ZAPF

Site: 309 Poplar Rd.

# 010	ADMIN. Variance, Residential, filing fee	50. <sup>00</sup>
# 080	sign & posting	35. <sup>00</sup>
Total		85. <sup>00</sup>

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03A03#0551MICHR  
BA 0010:24AMD7-20-74

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 1, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: John Paul and Jo Ann Zapf  
309 Poplar Road  
Baltimore, Maryland 21221

Re: CASE NUMBER: 95-18-A (Item 18)  
309 Poplar Road  
S/S Poplar Road, 330' +/- NE of c/l Riverside Road  
15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before <July 31, 1994. The closing date (August 15, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

RECEIVED  
AUG 1 1994  
BALTIMORE COUNTY



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

August 12, 1994

(410) 887-3353

Mr. Steven D. Golden  
715 Grady Lane  
Bel Air, Maryland 21014

RE: Item No. 18, Case No. 95-18-A  
Petitioner: John Paul Zapf, et ux  
Petition for Administrative Variance

Dear Mr. Golden:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 20, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

~~UNCLASSIFIED~~

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR:jw

Enclosures

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:   Arnold Jablon, Director                      DATE:   August 9, 1994  
      Zoning Administration and Development Management

FROM:   Robert W. Bowling, P.E., Chief  
      Developers Engineering Section

RE:     Zoning Advisory Committee Meeting  
      for August 8, 1994  
      Item No. 18

      The Developers Engineering Section has reviewed  
the subject zoning item. This site should be buffered from  
the adjacent road and adjacent residence.

RWB:sw

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B A L T I M O R E   C O U N T Y,   M A R Y L A N D  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

August 5, 1994

TO:        Mr. Arnold Jablon, Director  
            Zoning Administration and  
            Development Management

FROM:      J. Lawrence Pilson *JLP*  
            Development Coordinator, DEPRM

SUBJECT:   Zoning Item #18 - Zapf Property  
            309 Poplar Road  
            Zoning Advisory Committee Meeting of August 1, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property will require compliance with Chesapeake Bay Critical Area Regulations for Intensely Developed Areas.

JLP:SA:sp

c:   Mr. John P. Zapf

ZAPF/DEPRM/TXTSBP

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Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/29/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 15, 16, 17, 18, 19, 21,  
22, 23 AND 24.

RECEIVED

AUG 1 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation  
State Highway Administration

O. James Lightizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \*18 (JJS)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for* ~~John Contestabile, Chief~~  
DAVID N. RAMSEY, ACTING CHIEF  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: July 27, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 9, 11, 16, 17, 18 and 22.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Gary L. Kerns*

PK/JL:lw

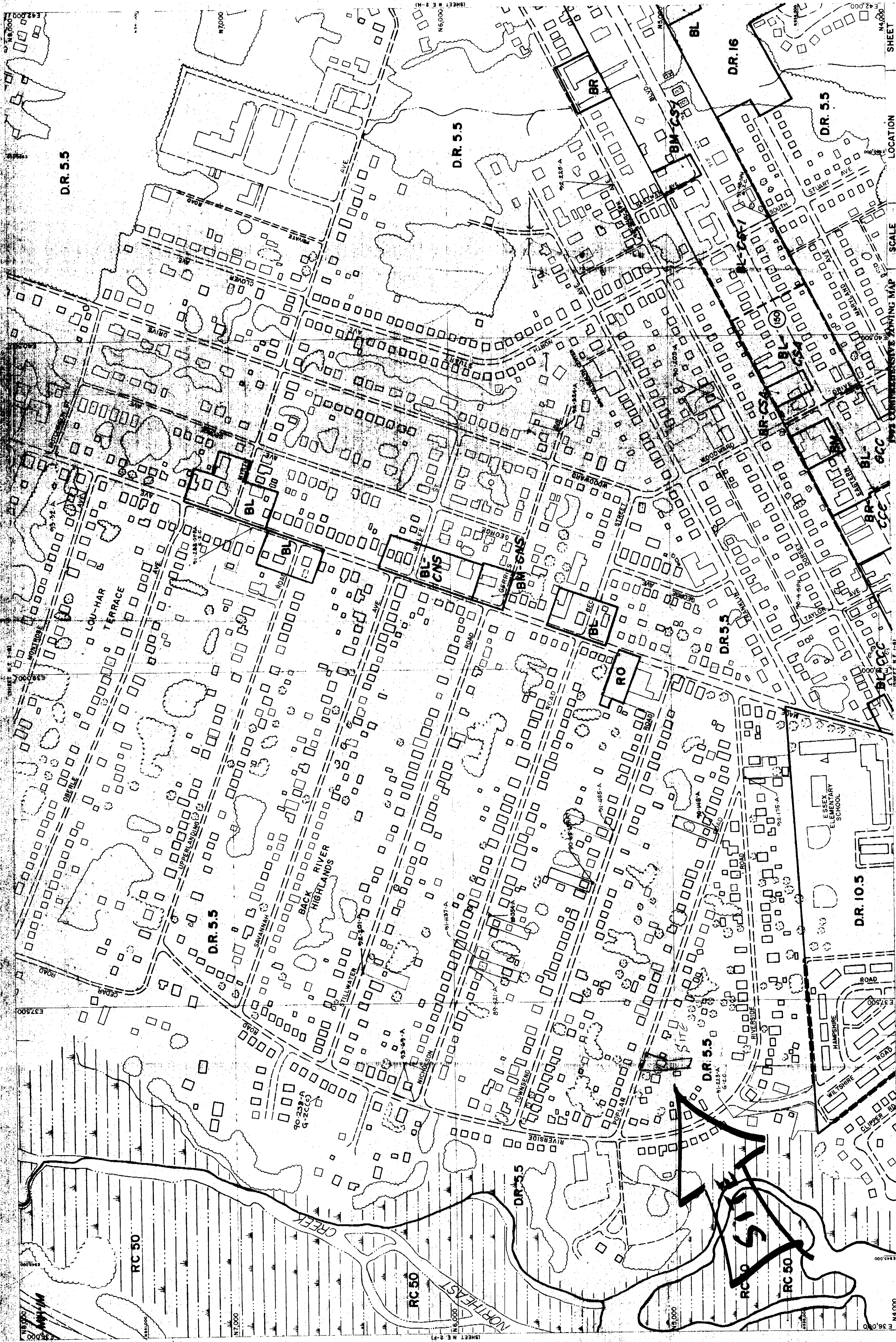








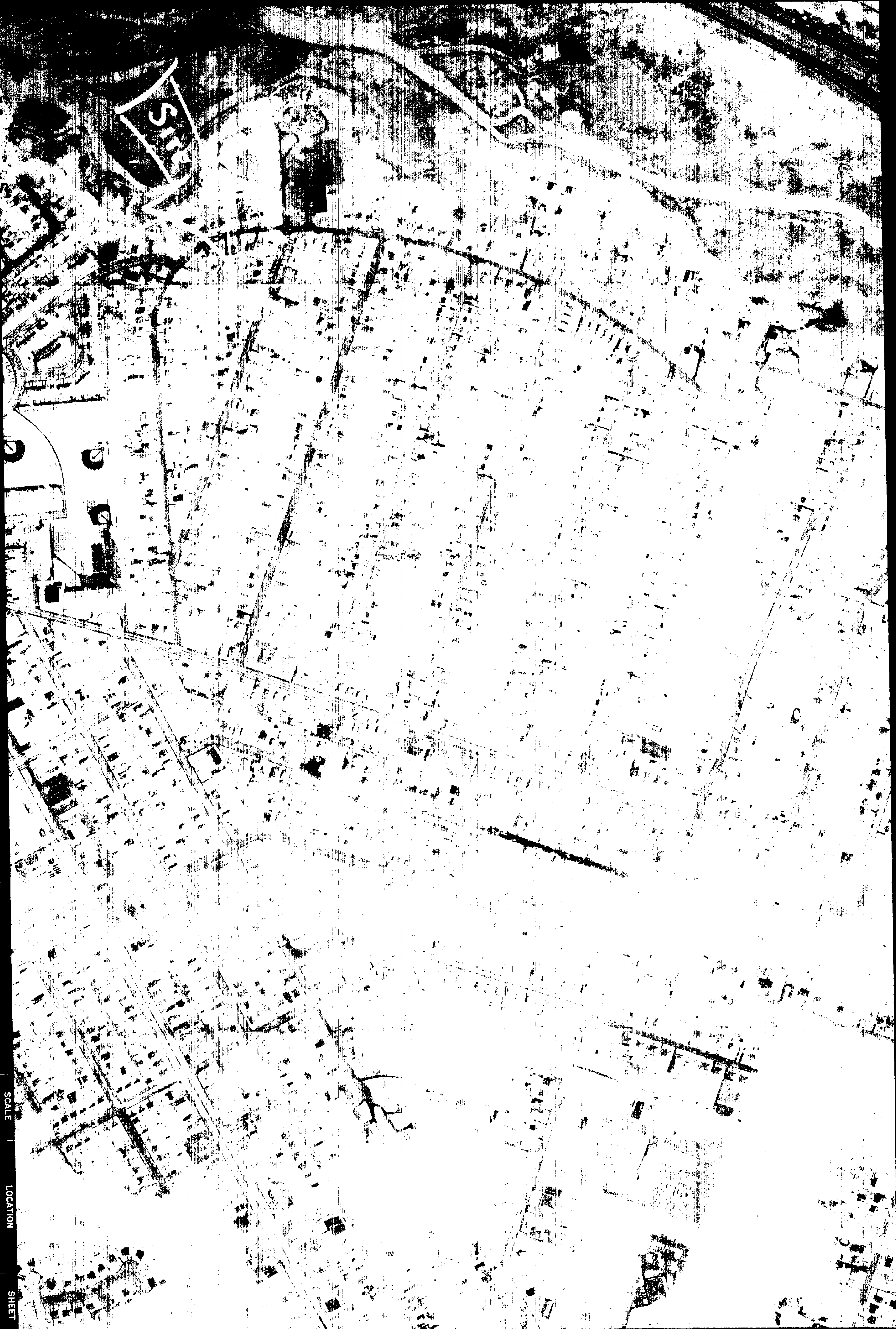
95-18-A



<b>BALTIMORE COUNTY</b> <b>OFFICE OF PLANNING AND ZONING</b> <b>OFFICIAL ZONING MAP</b>	
1988 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1988 Ord. No. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88	
Chairman, County Council	
1 - SW	
THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	
SCALE 1" = 200'	DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION ESSEX	SHEET N E 2-6

#18





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MICROFILMED ESSEX	N.E. 2-G
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

#18 95-18-A